

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 ARAZ ALALI,  
5 Plaintiff,  
6 -against-  
7 ROBERT GAZZOLA, INDIVIDUALLY,  
8 PATRICK J. CARROLL,  
9 INDIVIDUALLY, AND THE CITY OF  
10 NEW ROCHELLE, NEW YORK,

11 Defendants.  
12 -----X  
13

14 Wilson Elser Moskowitz Edelman & Dicker, LLP  
15 3 Gannett Drive, 4th Floor  
16 White Plains, New York 10604  
17 June 25, 2007  
18 1:15 PM

19 Examination before Trial of PLAINTIFF,  
20  
21 ARAZ ALALI, held pursuant to Notice, at the above  
22 time and place, before Susie Cabanas-Diaz, a Notary  
23 Public of the State of New York.  
24

2 A P P E A R A N C E S :

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10  
11 ALSO PRESENT:

12 Lalit K. Loomba, Esq.  
13 Wilson Elser Moskowitz Edelman & Dicker, LLP  
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## **ARAZ ALALI**

During that period, I was barred from driving any police vehicles. As a matter of fact, on one occasion, I believe I had a communication on this. I was at the front portion of the communications room, which is glass, and Lieutenant Debara and Sergeant Austin ordered me to check on an immigration warrant, to call it in to see if it was valid. Upon them doing so, I did, and then Lieutenant Debara said that if Captain Gazzola sees you up front, he'll kill me. I believe I had -- strongly believe that I put that in a communication.

So it was degrading, all the comments made by all the civilian members of personnel, that I was basically locked in the aquarium, locked in the bubble. No other member that I know of would have to do that.

Q You used the word jail maiden, is that correct? Or did I misunderstand?

A. I believe I did.

o What does that mean?

### A. Jail escort

Q You take the prisoners back and forth to  
the jail?

A Yes. Jail escorts. That would be a

1 ARAZ ALALI

2 better way to put it, yes.

3 Q Okay. Did anyone ever give you a  
4 justification, whether you agreed or disagreed with  
5 it, as to why you were assigned to be a dispatcher?

6 A Yes. During this whole process I had PBA  
7 president Edward Hayes with me. We spoke to  
8 Lieutenant Fortunato with the internal affairs  
9 division and he stated that the reason I was inside  
10 was because Commissioner Carroll had told myself and  
11 Edward Hayes that there was an investigation going  
12 on of wrongdoing on my part.

13 When we spoke to Lieutenant  
14 Fortunato, he said, I don't know of any order that  
15 was given, so I was given two sides of the story.  
16 And then when we went back to Commissioner Carroll,  
17 he said that there was an investigation going on and  
18 that's why you're inside. Fortunato, although he  
19 was investigating it, he said he didn't know if that  
20 was the reason I was inside.

21 And present during this whole thing,  
22 every time I spoke to Lieutenant Fortunato and  
23 Commissioner Carroll, was Edward Hayes.

24 Q So am I correct that you were told that  
25 the justification for being assigned to be a

1 ARAZ ALALI

2 dispatcher was that there was an internal affairs  
3 investigation, is that correct?

4 A By Captain Gazzola himself in front of  
5 Edward Hayes, yes. We spoke with Captain Gazzola  
6 personally on this issue.

7 Q And the person who told you that there was  
8 a pending investigation was Captain Gazzola?

9 A And Commissioner Carroll.

10 Q And did you ever learn what complaint was  
11 being investigated?

12 A Yes.

13 Q What was it?

14 A Complaint from a FedEx driver that I had  
15 arrested.

16 Q What is the name of that person?

17 A I don't presently recall.

18 Q Prior to arresting that FedEx driver, had  
19 you had any prior dealings with him?

20 A Yes. Captain Gazzola and Lieutenant  
21 Marshall had called me in their office stating he  
22 had made a complaint regarding making an illegal  
23 u-turn. They stated -- they forced -- Captain  
24 Gazzola forced me to work a car with a camera in it,  
25 against my will. I didn't want to work in a car

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2 unlicensed operator. Resisting arrest. Failing to  
3 comply to a police officer. And that he had  
4 committed numerous traffic violations, which one of  
5 them being a red light. I don't recall the other  
6 violations. Numerous traffic violations that he was  
7 given citations for as well.

8 Q Now, you say you arrested him for  
9 resisting arrest, correct?

10 A No.

11 Q That was one of the -- no, you didn't?

12 A You asked me what the charges were.

13 Q Correct.

14 A I said that was one of the charges. That  
15 was not what I arrested him for.

16 Q What did you arrest him for?

17 A Unlicensed operator. He refused to give  
18 me his license. He had no form of I.D. on him that  
19 he would give me. That summons was limited. That  
20 came subsequent to resisting arrest.

21 Q Other than the time that you gave him the  
22 ticket for making a u-turn and the time that you  
23 arrested him, did you have any other contact with  
24 this FedEx driver?

25 A I don't presently recall. I was assigned

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2 to give parking tickets on a stretch of North  
3 Avenue. There's many deliveries being made on North  
4 Avenue. And I had very high numbers for parking  
5 summons.

6 So I don't know if I had summons to  
7 him personally, delivered a summons upon him, no.

8 Q Did you have a dispute with him about his  
9 delivery of a package to your house?

10 A Yes.

11 Q When was that?

12 A I don't presently recall.

13 Q You recognized him at the time that you  
14 arrested him as a person you had a dispute with?

15 A Not initially.

16 Q At what point did you recognize him?

17 A After the incident.

18 (Brief Recess Taken)

19 Q Officer Alali, let's refer back to Page 3  
20 of your complaint and subparagraph D, is it your  
21 contention that as a result of receiving below  
22 standard job evaluations that you've suffered  
23 pecuniary loss?

24 A Yes.

25 Q Can you estimate what that loss has been?

1 ARAZ ALALI

2 the past two years, very, very few. I can count  
3 probably on one hand how many hours I have had. A  
4 few.

5 Q And were there any years in which you  
6 received anything more than a below-standard  
7 evaluation since you've been a New Rochelle police  
8 officer?

9 A I don't understand the question. I don't  
10 believe there's a category substandard. Anything  
11 more than below standard?

12 Q No, higher than?

13 A Higher than, yes.

14 Q What was your evaluation for the year  
15 2002?

16 A I don't presently recall.

17 Q Was it below standard?

18 A No.

19 Q What was your evaluation for 2003?

20 A I don't presently recall.

21 Q Was it below standard?

22 A No.

23 Q What was your evaluation for the year  
24 2004?

25 A I don't presently recall.

1 ARAZ ALALI

2 Q Was it below standard?

3 A No.

4 Q And what was your evaluation for 2005?

5 A I don't presently recall.

6 Q Was that below standard?

7 A Could have been.

8 Q All right. Now, let's go back to the  
9 first three years that you were employed as a New  
10 Rochelle police officer: 2002, 2003, 2004. During  
11 those three years, as far as you know, did anyone in  
12 the New Rochelle Police Department know that you  
13 were of Middle Eastern descent?

14 A I believe so.

15 Q And am I correct that for the years 2002,  
16 2003 and 2004, you did not receive below-standard  
17 evaluations?

18 A Yes.

19 Q Let me go back to subparagraph D.

20 A On Page 4?

21 Q Yes. Page 3. Sorry. The bottom of  
22 Page 3. Got it?

23 A I got it.

24 Q Okay. You had explained to me the  
25 distinction between departmental overtime and

1 ARAZ ALALI

2 the midnight tour?

3 A Right.

4 Q Can you estimate how long it's been since  
5 you've been on the midnight tour?

6 A It would be bad guess.

7 MR. LOVETT: Don't guess.

8 A I don't know.

9 Q Let's go on to subparagraph F. Indicates,  
10 "Forbidden for substantial periods of time to  
11 operate a police vehicle."

12 Does that relate to the circumstance  
13 you've already testified to about the civilian  
14 complaint from the FedEx driver, or does it relate  
15 to something else?

16 A That is -- for approximately the six month  
17 period of time that I stated earlier.

18 Q Okay. Is that the same period of time  
19 that you were assigned to be a dispatcher?

20 A Yes.

21 Q Does that relate to the civilian complaint  
22 that was filed by the FedEx driver?

23 A It depends what side of the story you get.  
24 If you get it from Fortunato or you get it from  
25 Commissioner Carroll. Conflicting stories on that.

1 ARAZ ALALI

2 Q Let's start with Commissioner Carroll.

3 What did he tell you?

4 A Stated it is because of a departmental  
5 investigation.

6 Q And what did Lieutenant Fortunato tell  
7 you?

8 A He did not have knowledge that it was  
9 because of a departmental investigation.

10 Q And did Commissioner Carroll tell you  
11 anything about it, other than what you already  
12 testified to?

13 A No. Captain Gazzola also stated it was  
14 because of the departmental investigation.

15 Q And did Captain Gazzola tell you anything  
16 else about it, other than what you just testified  
17 to?

18 A Well, besides issuing a standing order of  
19 performing functions that are listed in this  
20 complaint.

21 Q Did Lieutenant Fortunato tell you  
22 anything, other than what you've already testified  
23 to, about this -- about your being barred from  
24 operating a police vehicle?

25 A No.

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2 C E R T I F I C A T I O N  
3

4 I, SUSIE CABANAS-DIAZ, a Court Reporter  
5 and Notary Public within and for the State  
6 of New York, do hereby certify:

7 That the witness whose deposition  
8 is herein before set forth, was duly sworn  
9 by me, and that the within transcript is a  
10 true record of the testimony given by such  
11 witness.

12 I further certify that I am not  
13 related to any of the parties to this action  
14 by blood or marriage, and that I am in no way  
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 2nd day of July , 2007.  
18

19  
20 Susie Cabanas-Diaz

21 SUSIE CABANAS-DIAZ  
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23  
24  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARAZ ALALT,

Plaintiff,

-against- INDEX NO.

07 CIV 1296

ROBERT GAZZOLA, individually, PATRICK J. CARROLL,  
individually, and THE CITY OF NEW ROCHELLE, New York,

**Defendants.**

July 10, 2007

12:00 p.m.

CONTINUED EXAMINATION BEFORE TRIAL of Plaintiff, ARAZ ALALI, taken pursuant to Notice, held at the offices of Wilson, Elser 3 Gannett Drive, White Plains, New York, before a Notary Public within and for the State of New York.

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1 ARAZ ALALI

2 A I don't recall, but again it was not  
3 below standards.

4 Q And do you recall what you got for  
5 2004?

6 A No, I do not presently recall.

7 Q Do you recall that it was not below  
8 standards?

9 A No, I don't presently recall.

10 Q I'm going to show you what's been  
11 pre-marked as Defendants' Z for identification and  
12 ask if you can identify that document?

13 A Yes. There's numerous documents within  
14 it.

15 Q Now, in reference to Defendants' Z, I'm  
16 going to ask you if you first look at the first three  
17 pages of the exhibit?

18 A Okay.

19 Q Is that a letter of counsel which you  
20 received from Sergeant Austin?

21 A Yes.

22 Q And referring to the second three pages  
23 of the document, is that a response that you prepared  
24 in connection with the letter of counsel?

25 A Yes.

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2 Q Now, go back to the beginning of the  
3 document, the letter of counsel, do you recall when  
4 you received the letter of counsel?

5 A Sometime in the end of 2005 calendar  
6 year.

7 Q Now, referring to the third page of the  
8 letter of counsel at the bottom, where it says,  
9 Police Officer Araz Alali, is that a photocopy of  
10 your signature?

11 A Yes.

12 Q Now, referring back to the first page  
13 where it says, in your time in New Rochelle, you have  
14 had several citizen complaints and several department  
15 initiated complaints. Do you know whether that was  
16 true?

17 A Yes.

18 Q Was it true?

19 A The question is, were these actual  
20 complaints that were true?

21 Q No. I'm asking you whether or not --  
22 let me rephrase the question. Is it correct that you  
23 had received several citizen complaints and  
24 department initiated complaints during your career  
25 with the City, prior to your receipt of the letter of

1 ARAZ ALALI

2 counsel?

3 A With the city of New Rochelle?

4 Q Yes.

5 A Yes.

6 Q Under the category issues, looking at  
7 the third paragraph, where it says, on traffic stops  
8 you frequently failed to call out car stops prior to  
9 making contact with the operator. Was that true?

10 A During -- that's a false statement.

11 While I was with Sargeant Austin, when I was, again,  
12 I was punished by Captain Gazzola to ride along with  
13 Sargeant Austin for a period of time, none of the  
14 issues were true.

15 And I, in my rebuttal letter, I asked  
16 for them to authenticate any one of the issues,  
17 giving a date, time, of a place of occurrence that  
18 that happened. So that's completely false.

19 During my time with Sargeant Austin,  
20 every traffic stop was called out. And when I spoke  
21 to Captain Gazzola, Sargeant Austin and Lieutenant  
22 Schulman, if they could authenticate one incident,  
23 they were unable to do so. So, to answer your  
24 question, that is incorrect.

25 Q Turning to the second page of the

1 ARAZ ALALI

2 A Yes. I was told if I didn't accept it  
3 charges would be preferred against me. Although,  
4 what's in this summary of investigation is  
5 untruthful, I was told to accept the letter of  
6 reprimand, being that it's a letter of reprimand,  
7 otherwise charges would be preferred against me, and  
8 I was destined to lose.

9 Q Who told you that?

10 A Captain Gazzola. That was early on  
11 with my career with the New Rochelle Police  
12 Department.

13 Q At the time that you accepted this  
14 command discipline, were you seeking a transfer to a  
15 different police department?

16 A I don't recall the time I was, but  
17 early on in my career I was, due to the fact that I  
18 was being harassed and persecuted based on my  
19 heritage. I wanted to get out of a hostile and  
20 unfair work environment.

21 Q Did you apply for a transfer to any  
22 other police department in 2002?

23 A What I presently recall, I had resumes  
24 out early on in my career. I don't presently recall  
25 if it was in 2002 or shortly there after.

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2 Q When you sent those resumes did you  
3 provide cover letters?

4 A I don't presently recall.

5 Q Did you keep copies of your  
6 correspondence from 2002?

7 A Correspondence, my resumes? I should  
8 have copies of them.

9 Q Did you keep copies of your cover  
10 letters that accompanied the resume?

11 A I don't recall if I had a cover letter.

12 Q Do you know which departments you sent  
13 those resumes to?

14 A Basically, within Westchester County,  
15 numerous departments, in hope to the get out of this  
16 incredibly biased work environment.

17 Q When you prepared an application for  
18 employment with another department, is it sufficient  
19 just to mail another resume?

20 A I wouldn't call them applications, I  
21 would call them resumes. There's no applications,  
22 per say.

23 Q Have you ever actually filled out an  
24 application for employment with another police  
25 department, after you joined the New Rochelle Police

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2 presently recall.

3 Q I'm going to show you what's been  
4 pre-marked as Defendants' CC for identification and  
5 ask you if you can identify that document?

6 A Yes.

7 Q Can you tell us what that is?

8 A Again, another false command discipline  
9 report generated by Sargeant Gionnati [ph] in the  
10 beginning of my career with New Rochelle Police.

11 Q And referring to the lower left hand  
12 corner of the first page, does that appear to be a  
13 xeroxed copy of your signature?

14 A Yes.

15 Q Did you check off the box that says,  
16 accept the finding and the proposed disciplinary  
17 action?

18 A Yes. Again, after being told by  
19 Captain Gazzola that it's only one day leave, that I  
20 was going to be taking and if I fought it, I would be  
21 destined to lose in a hearing which the commissioner  
22 appoints a hearing officer and made a reference that  
23 it was a kangaroo court.

24 Q Did you have occasion to discuss this  
25 with your PBA representative before you signed it?

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2 A I don't presently recall. It was in  
3 the beginning of my career. It was a long time ago.

4 Q At the time that you agreed to this  
5 command discipline, were you seeking a transfer to  
6 another department, other than the New Rochelle  
7 Police Department?

8 A I don't presently recall.

9 Q I'm going to show you what's been  
10 pre-marked as Defendants' DD and ask if you can  
11 identify that document?

12 A Yes.

13 Q Can you tell us what that is?

14 A It's a command discipline report that I  
15 was, again, urged to take. It was a call of kids  
16 trapped in a burning car.

17 There was a -- they stated Captain  
18 Gazzola states, whether that it's your fault or not  
19 your fault, that for all motor vehicle accidents you  
20 are going to get a letter of reprimand.

21 Again, this was early on in my career,  
22 and it was a very serious call of kids trapped in a  
23 burning car, and they urged me to respond code three.

24 In my career, I don't think I've had  
25 more than this one call, maybe a few to respond code

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2 three and there's no damage to the vehicle, the  
3 police vehicle, whatsoever.

4 But like I said, it was routine and  
5 customary to give a letter of reprimand for any type  
6 of accident that involve police car whether it's your  
7 fault or not your fault. That's the department  
8 routine.

9 Q This accident, did it involve a  
10 civilian's vehicle or another police vehicle?

11 A My vehicle with a civilian vehicle. My  
12 police vehicle with a civilian vehicle.

13 Q Your police vehicle hit a civilian  
14 vehicle?

15 A The civilian vehicle hit my vehicle,  
16 struck my vehicle.

17 Q Were you proceeding the wrong way on a  
18 one way street?

19 A No.

20 Q Were you making a U-turn?

21 A No.

22 Q How did the accident happen?

23 A The civilian was speeding and wouldn't  
24 stop for my lights and sirens. And Sargeant Myron  
25 Joseph who is an accident investigator, measured the

1 ARAZ ALALI

2 skid marks of the civilian vehicle who was speeding  
3 into the yacht club at the time.

4 Like I said, there was actually no  
5 damage to the police vehicle, which was my vehicle.  
6 There's not even a scratch on the car, but I was told  
7 that it's the New Rochelle Police Department's matter  
8 of routine that whether it's your fault or not your  
9 fault, you get a letter of reprimand for any type of  
10 accident involving a police vehicle, and I was urged  
11 again to sign it by Captain Gazzola. And it was also  
12 sent, like I said on a code three call, kids trapped  
13 in a burning car.

14 Q Did this accident occur on Nautilus  
15 Place?

16 A I don't recall exactly the location of  
17 the accident.

18 Q Do you know if Nautilus Place is a one  
19 way street?

20 A I do not know that. I don't know.

21 Q Did you consult with a PBA  
22 representative before you signed this?

23 A I don't presently recall.

24 Q Did you consult with anybody before you  
25 signed it?

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2 A I don't presently recall.

3 Q Did you ever discuss this with Joseph  
4 Pajoli before you signed it?

5 A I don't presently recall.

6 Q I'm going to show you what's been  
7 pre-marked as Defendants' EE for identification and  
8 ask you if you can identify that document?

9 A It's another command, false command  
10 discipline against me.

11 Q And is it one that you agreed to?

12 A Again, under the same pretext that it's  
13 a letter of reprimand. If I did not, I would be  
14 entering into a kangaroo court, where a hearing  
15 officer is appointed by the commissioner, and I would  
16 lose substantial amounts of vacation and leave time.

17 So, I was urged to sign this as a  
18 letter of reprimand.

19 Q Did you discuss it with anyone before  
20 you sign it?

21 A I don't presently recall. Perhaps I  
22 discussed it.

23 MR. LOVETT: Don't guess.

24 A I don't presently recall.

25 Q Did you discuss it with police officer

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2 with the use of the PA system, I had to take the keys  
3 away from her because at this time I didn't want her  
4 to leave a second time.

5 The keys were not thrown in the bushes.  
6 They were not lost. They were placed on the hood of  
7 my cruiser, which is customary on that type of a  
8 traffic stop, for my safety as well as hers.

9 Q I'm going to show you what was  
10 pre-marked as Defendants' FF for identification and  
11 ask you if you can identify that document?

12 A Oh, yes.

13 Q Can you tell us what that is?

14 A A command discipline that was upped by  
15 Captain Gazzola from one day to two days, in his  
16 terms, for the egregious violation of parking in  
17 front of Dunkin Donuts to pick up their coffee,  
18 meaning the desk officer and the civilians.

19 As a matter of routine, if you look at  
20 the summonses that were issued in front of Dunkin  
21 Donuts, they tell us that they, meaning Gazzola,  
22 Carroll, do not issue tickets there they get coffee  
23 there. So there's routinely, there's no tickets  
24 issued there. There are police cars that are parked  
25 in front, in case of emergency, they have easy access

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2 to get out because it's a very congested parking lot.

3 I was written up for one day, but he  
4 said this was an egregious violation and demanded two  
5 days leave. At this time, I clearly remember I  
6 thought I was going to the county police department,  
7 which I was given the green light to go there and  
8 completed my background and they were ready to hire  
9 me. And I was told if I fought this, there were  
10 would be charges against me, that would hinder me  
11 from going to county.

12 I told them this was ridiculous, as did  
13 President Edward Hayes. No one else that we know of  
14 in the history of the police department has been  
15 written up for parking in front of Dunkin Donuts, yet  
16 alone lost two vacation days.

17 He stated if I wanted to get out of  
18 here, I would sign this. So, I initially, you know,  
19 I mean it's clear I wanted to get out of there. I  
20 was told, like I said, he upped it. He said I'm a  
21 captain, I can do that. He upped it to two days. I  
22 thought again, it was unjust, and I was being singled  
23 out once again, based on my heritage.

24 Q When you say upped it two days?

25 A He doubled it, yes. It was initially,

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2 that I had interest in the Town of Mamaroneck and  
3 County Police Department and that's all he stated.

4 Q I'm going to show you what's been  
5 pre-marked as Defendants' GG for identification and  
6 ask you if you can identify that document?

7 A Yes.

8 Q Can you tell us what that is?

9 A Again retaliatory strike by Captain  
10 Gazzola, initiating a complaint against me when there  
11 was a series of 1013 call which is officer needs  
12 assistance.

13 At this time, Officers Murphy and  
14 Officer Lori had a Reverend on a ride-a-long, with a  
15 civilian member of service. They encountered a very  
16 irate individual who they were trying to arrest.

17 They called for a 1013 call. I then  
18 went to their assistance to help affect the arrest.

19 Captain Gazzola states there were no  
20 civilian complaint. They were routinely checking my  
21 camera and found that, in his opinion, I drove at a  
22 high rate of speed to this call, which was not  
23 necessary. I view that obviously to be a necessary,  
24 when officers are calling for help. It's probably  
25 one of the highest calls you would receive in a

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2 police department.

3 Furthermore, I had -- he also said he  
4 was very upset that I didn't acknowledge at, some  
5 point, that what they stated, which I didn't hear,  
6 that they said to slow down, to slow it down to the  
7 call.

8 I did not -- he was upset that I did  
9 not acknowledge. I told him I didn't hear it. He  
10 subsequently cut my AM FM radio out of my car to  
11 punish me and degrade me once again. I was the only  
12 officer in the entire department without a radio in  
13 the car.

14 He had sent a car down to the city  
15 yard, which is a place that services the vehicle. I  
16 had to stand by while the mechanics took my vehicle  
17 and cut the wires to my AM FM radio, as per Captain  
18 Gazzola's order as means to punish me.

19 I was the only member of service not to  
20 have an AM FM radio and that was discussed by Edward  
21 Hayes and Captain Gazzola laughed and stated I was  
22 not going to get a radio in the car.

23 Q Was your radio on when you didn't hear?

24 A I have audible lights, I'm sorry,  
25 audible sirens and overhead lights on. As I said, it

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2 was a very serious call.

3 I did recognize that Officer Murphy and  
4 Officer Lori had a reverend in the car, a civilian  
5 member, not only were their safety and lives in  
6 jeopardy with a drug induced defendant, so was a  
7 civilian member of service and me, being very close  
8 by, I would do it all over again as far as assisting  
9 an officer and civilian in need, and screaming for  
10 help over the radio.

11 Q Did you happen to arrest this drug  
12 induced defendant?

13 A There were two defendants. I assisted  
14 in one of the defendants. I transported one of the  
15 defendants. I feel I definitely had assisted.

16 Q During the course of your transporting  
17 the perpetrator, did you have occasion to interrogate  
18 him?

19 A I didn't feel I was interrogated him.  
20 I felt I was asking him pedigree information.

21 Q What was he arrested for?

22 A I don't exactly know, it was not my  
23 arrest. The charges that were against the defendant  
24 I was transporting, so I don't know. I know that  
25 drugs were involved. I don't know if there was any

1 ARAZ ALALI

2 other outstanding charges against either of the two  
3 defendants.

4 I would assume resisting arrests, being  
5 they were fighting with the defendants.

6 Q Did you ask him any questions about the  
7 incident?

8 A I don't presently recall.

9 Q Did you advise him of his Miranda  
10 rights?

11 A Yes, I don't presently recall when.

12 Q Isn't it a fact that you advised him of  
13 his Miranda rights after you asked him questions  
14 about the incident?

15 A I don't believe so.

16 Q Did you discuss this command discipline  
17 report that's reflected in Defendants's Exhibit GG  
18 with Edward Hayes, before you declined to accept it?

19 A Yes.

20 Q Is there a reason that you discussed  
21 this command discipline report with your PBA  
22 representative, but you didn't discuss prior ones  
23 with the PBA representative?

24 MR. LOVETT: Objection as to form. You  
25 can answer.

1 ARAZ ALALLI

2 A I don't recall not discussing other  
3 ones, I just recall having discussed this particular  
4 one with Edward Hayes, being it's a very recent  
5 command discipline.

6 Q I'm going to show you what's been  
7 pre-marked as Defendants' HH for identification and  
8 ask you if you can identify that document?

9 A Yes.

10 Q Can you tell us what that is?

11 A It's a communication and a complaint to  
12 Lieutenant Fortunato of the Internal Affairs  
13 division, from me, regarding no back up provided for  
14 an arrest.

15 Q You prepared this document?

16 A Yes.

17 Q And on April 20, 2007?

18 A Yes.

19 Q Looking at the bottom of the document  
20 where it says, this harassment is based on my  
21 heritage. Do you see that?

22 A Yes.

23 Q What was the basis for your belief that  
24 this incident had anything to do with your heritage?

25 A It was really more than a belief. It's

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1 ARAZ ALALI

2 you required to review the administrative manual of  
3 the New Rochelle Police Department?

4 A I believe so.

5 Q And have you done that?

6 A From time to time.

7 Q I'm going to show you what's been  
8 pre-marked as Defendants' RR for identification and  
9 ask you whether you recognize that document as  
10 representing portions of the administrative manual?

11 A Yes.

12 Q To the best of your knowledge, does  
13 this document represents portion of the  
14 administrative manual?

15 A Yes.

16 Q Specifically, referring to Paragraph  
17 13, have you ever had occasion to review these  
18 sections that relate to the criteria that go into  
19 performance evaluations?

20 A Yes.

21 Q Based upon your review of the criteria,  
22 was it your understanding that the evaluations  
23 include both qualitative as well as quantitative  
24 performance?

25 A Yes.

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1  
2 C E R T I F I C A T E  
3

4 STATE OF NEW YORK )  
5

: SS:

4 COUNTY OF ROCKLAND )  
5

6 I, ESTHER KATZ, a Shorthand Reporter and Notary  
7 Public within and for the State of New York, do  
8 hereby certify:

9 THAT ARAZ ALALI, the witness whose testimony is  
10 hereinbefore set forth, was duly sworn by me; and

11 THAT the within transcript is a true record of  
12 the testimony given by said witness.

13 I further certify that I am not related, either  
14 by blood or marriage, to any of the parties to this  
15 action; and

16 THAT I am in no way interested in the outcome of  
17 this matter.

18 Dated: July 30, 2007

19  
20 *Esther Katz*  
21

22  
23  
24  
25 ESTHER KATZ